

Appl. No.: 10/709,259
Amdt. Dated: 7/24/2006
Reply to Office action of: 05/16/2006

AMENDMENTS TO THE DRAWINGS:

No amendments to the drawings are being presented herewith.

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REMARKS/ARGUMENTS

Claims 1 – 4 remain in this application. Claim 1 has been amended to overcome the paragraph 112 rejection.

No new matter has been introduced by these amendments.

Applicant thanks the Examiner for properly removing the prior rejections.

Claim 1 was rejected under 35 U.S.C. 112 for being indefinite. Specifically, the Examiner states:

Regarding claim 1, the phrase “or the like” renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by “or the like”), thereby rendering the scope of the claim(s) unascertainable.

Applicants respectfully traverse this rejection. By this amendment the phrase “or the like” has been removed from Claim 1 making this basis of rejection moot. In light of the amendment to Claim 1, Applicant requests this rejection be removed.

Claims 1 – 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 5,906,514) in view of Fouts et al. (US 5,179,503). Specifically, the Examiner states:

With respect to Claim 1, Nelson teaches a fuse holder system suitable for mounting in an automobile main electrical junction box (Fig. 2, #10) and further suitable for mounting fuses involved in periodic controls or diagnoses of vehicle safety systems, including ABS, airbags, brake control and the like comprising: a fuse holder module body (1) (fig. 2, #24) capable of housing a plurality of fuses (3) and (5) (Fig. 3, #14) having different configurations; said fuses (3) and (5) capable of being connected and disconnected (Col. 3, line 24, removable, examiner is interpreting that the fuses as part of fuse holder module body are capable of being connected and disconnected from the junction box) at will; said fuse holder module body (1) having two housings (2) and (4) (Col. 4, lines 11 – 12 and Fig. 3, #12 (not shown) for #14 on left and right sides) for said fuses (3) and (5), and a cover (7) (Fig. 2, #37) for closure of said housings (2) and (4); and further having a fixing element (10) (Fig. 2, #36) fixing said fuse holder module body (1) to said automobile main electric junction

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box. Nelson fails to teach fuses having different configurations. Fouts et al. teaches fuses having different configurations (Fig. 3, FUSE and MAXI-Fuse) in a module body (Fig. 1, #12). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Nelson with that of Fouts et al. for the purpose of combining different configurations of fuses to maximize protection of the electrical components.

With respect to Claim 2, Nelson in view of Fouts et al. teach a fuse holder system of claim 1 above. Nelson further teaches that the number of fuses are available in number (Col. 3, line 47). While Nelson fails to teach that said housings (2) and (4) being variable in number and configuration, according to the number and configurations of fuses (3) and (5), it would be obvious to one skilled in the art that each fuse would need a housing (#12) to electrically and mechanically connect to the system. It has been held that changes in configuration (sizes) or number (duplication of parts) are obvious to one skilled in the art at the time of invention. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955) and In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Nelson in view of Fouts et al. for the purpose of combining different configurations of fuses to maximize protection of the electrical components.

With respect to Claim 3, Nelson further teaches that said cover (7) (Fig. 3, #37) for covering said housings (2) and (4) of said fuse holder module body (1) forms a single piece (see Fig. 3) therewith, and is joined therewith through a pivoting line (Col. 3, line 67, hinged) determining a joint or a swinging hinge (8) (fig. 3, not marked), said cover (7) being provided with fixing means (9) (Fig. 4, #26) for fixing it to said fuse holder module (1) in a closed position (see Fig. 4).

With respect to Claim 4, Nelson further teaches that said cover (7) (Fig. 3, #37) for covering said housings (2) and (4) of said fuse holder module body (1) being joined together by a pivoting line (Col. 3, line 67, hinged) determining a joint or a swinging hinge (8) (fig. 3, not marked), said cover (7) further being provided with fixing

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means (9) (Fig. 4, #26) for fixing said cover to said fuse holder module body (1) in a closed position (see Fig. 4).

Applicant respectfully traverses this rejection. The key to Applicants' invention, as mentioned above, is an easily removable fuse holding module that contains a variety of different fuse types protecting automotive circuits directed to safety diagnoses circuits and circuits used to provide periodic controls such that they may easily be inspected and said circuits more easily maintained.

A fair reading of the Nelson, Jr. (US 5,904,514) reference discloses a removable fuse block module which is specifically directed to contain only the fuses controlling the critical operating electrical circuits such that when removed the vehicle is inoperable and therefore theft proof (see for example, Col. 2, line 66 – Col. 3, line 14). The fuse module must be exposed to the user and detachable from the junction box without opening the junction box (see for example, Col. 2, lines 25 – 37, Col. 3, lines 14 – 23 and Fig. 1). There is no requirement for prior connection of female box connectors or connection to a bus bar, instead a simple system utilizing contact leads is disclosed (see for example, Col. 3, lines 24 – 32). The reference further teaches that the fuse block module need be restricted to as few operating circuit fuses as suitable to disable the vehicle to provide the smallest size because the module will need to be carried by the vehicle operator when the vehicle is not in use (see for example Col. 3, lines 44 – 65). A cover for closing only the removable fuse block portion of the junction box is the only cover disclosed (see for example, Col. 3, line 66, Col. 4, line 7). Furthermore, the Nelson, Jr. reference teaches the desirability of having a keypad type security system incorporated into the fuse block module to secure further the vehicle from theft when the original fuse block module is disengaged (see for example, Col. 4, lines 16 – 24). Thus, contrary to the Examiner's assertions this reference does not teach a module fuse block suitable for providing easy and convenient removal of fuses associated with the safety diagnoses circuits and circuits used to provide periodic controls, nor does it suggest to one skilled in the art that such a module may be produced from the teachings of the Nelson, Jr. reference. In addition, the Nelson, Jr. reference fails to teach a hinged cover adaptable to cover at least two different fuse type holders but instead fails to teach anything about the possibility of more than a single type or style of fuse and a simple cover to cover a sing type or style of fuse. The preferred embodiments of the Nelson, Jr. reference having a keypad entry security system further teaches away from Applicant's claimed invention as it would be

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counterproductive to have a secret entry code and then have to provide it to every service person needing to inspect the systems controlled by the fuse block module.

A fair reading of the Fouts et al. (US 5,179,503) reference discloses a junction box adaptable to accept a plurality of modules containing electric and electronic components in various configurations. The junction box itself contains no fuses or other components (Col. 2, lines 30–35) and is composed of separate pairs of sidewalls and ends as well as a bottom (Col. 2, lines 36–42). All fuses and other components must first be mounted in a module and the module mounted into the junction box (see for example Col. 2, lines 60–67). The cover of the junction box covers the whole junction box and there is no provision for covering a single module having more than one type of component separately from the whole junction box (see for example, Col. 2, lines 42–46). Additionally, the cover must have ribs suitable to engage the mounted electrical components to assist in securing them within each module (see for example, Col. 4, lines 40–44); a critical requirement not required by the Nelson reference. Furthermore, none of the removable modules are designed to be removed and carried with the vehicle operator to provide theft security. In fact they require that before a module can be mounted in the junction box, female box terminals must be mounted in the module (see for example, Col. 2, line 67–Col. 3, line 11) and the module must be mounted to an electrical bus bar in many cases (see for example Col. 3, line 61–Col. 4, line 11). Thus, this reference lacks the required impetus for one skilled in the art to combine the teaching of Fouts et al. with the teaching of Nelson, Jr. Likewise, the Nelson, Jr. reference does not contain the necessary impetus to suggest to one skilled in the art how to combine the modules of Fouts et al. with the security features contained in its teaching to arrive at a easily removable fuse module suitable for providing easy and convenient removal of fuses associated with the safety diagnoses circuits and circuits used to provide periodic controls. The only way one skilled in the art would be drawn to such a combination would be first to have knowledge of Applicant's claimed invention. This lack of necessary impetus of combination is strengthened by the fact that the Fouts et al. reference was in the public domain for 6 years before the Nelson reference was filed. This fact strongly suggests the non-obviousness of such a combination to those clearly skilled in the art. Thus, these references are not combinable as suggested by the Examiner and even if they were combinable do not disclose, teach, or suggest Applicant's claimed

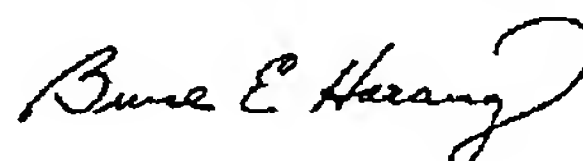
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invention. Clearly, when viewed in this light this rejection is now moot and Applicant respectfully requests this rejection be removed.

Applicant agrees that the preamble of the claim is part of the claimed invention and as such requires that it be evaluated. Applicant respectfully traverses the Examiner's opinion that such an evaluation does indeed disclose, teach, or fairly suggest Applicant's claimed invention or provide the legally required impetus for combination with the Fouts et al. reference by what Applicant has claimed. The legally required test for finding the necessary impetus allowing combination of references under section 103 has nothing to do with what the Applicant teaches or with what one of the references does not specifically limit by lack of limiting claim language. The proper test is that there is some specific positive disclosure, teaching, or suggestion indicating the desirability of such a combination. Here, clearly this is not the case. Clearly, when viewed in this light this rejection is now moot and Applicant respectfully requests this rejection be removed.

In view of the remarks herein, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action and issuance of a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,



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